

POLICY COMMITTEE MEETING

July 13, 2011

4:00 p.m.

County Complex, Building A

1) Roll Call

Present

Mr. Rich Krapf
Mr. Jack Fraley
Mr. Al Woods
Mr. Rich Krapf
Mr. Tim O'Connor
Mr. Joe Poole
Mr. Mike Maddocks

Staff Present

Mr. Steven Hicks
Mr. Allen Murphy
Ms. Tammy Rosario
Mr. Jason Purse
Ms. Ellen Cook
Mr. Chris Johnson
Mr. Brian Elmore

Mr. Jack Fraley called the meeting to order at 4:00 p.m.

2) Minutes

Mr. Al Woods moved for approved of the June 7, 2011 minutes.

In a voice vote, the minutes were approved (4-0).

Mr. Woods asked staff to consider Mr. Reese Peck's comments on page 7 of the June 7th minutes, discussing policy process revisions, including better organization of policy documents and a more consistent adoption and amendment process.

Mr. Allen Murphy stated staff updated the Planning website to include policies and guidelines in a more logical order. He asked the Committee to review these changes and submit comments to staff.

Mr. Fraley stated that with Mr. Peck's resignation, Mr. Rich Krapf will serve on both the Policy Committee and Development Review Committee.

3) New Business

A) Economic Opportunity

Mr. Jason Purse stated the Economic Opportunity (EO) draft ordinance was revised based feedback received at the Board of Supervisors worksession in June. The Board recommended four changes: reducing the height limit to 60' and up to 100' with a waiver, calculating density based on developable acreage, adding more specific benchmarks to the construction phasing policy, and clarifying the section on buffers.

Mr. Krapf asked if the 15% of developable land allowed for non-primary workplace uses included the 10% of developable land allowed for residential uses.

Mr. Purse stated that was correct.

Mr. Joe Poole asked what provisions protect the County from the development of a New Town-style Mixed Use development that fails to attract industrial uses.

Mr. Purse stated 85% of the development is required to be office, industrial, and research and technology uses. The balance of uses in the ordinance limits retail and residential development.

Ms. Tammy Rosario stated review of the master plan and rezoning during the legislative process provides another level of protection.

Mr. Poole stated in the ordinance's Statement of Intent, there is the subject phrase "community values." He asked how those values would be defined. The Statement's language was less specific than other parts of the Zoning Ordinance.

Mr. Murphy stated the language was based on community values expressed in the Comprehensive Plan. He stated the Statement of Intent is intended to be less specific than the rest of the draft ordinance.

Mr. Poole asked if an EO master plan would prevent piecemeal development.

Mr. Purse stated the ordinance is written to encourage any EO-designated property to become involved with any master planning effort to help create a cohesive development. He stated the entire EO-designated area should be evaluated at the same time to avoid a few scattered buildings being constructed. The process is more involved and detailed than the County asks for in other zoning districts. EO property owners chose to request that designation, and can choose to participate in any future EO development voluntarily as well.

Mr. Purse stated the ordinance's language encourages EO property owners to get involved with any new development to help create a more cohesive development. A large and cohesive project area should help avoid the development of a few scattered parcels.

Mr. Al Woods asked how an applicant would master plan a development without control of all the properties. He asked about the positioning of the 15% non-primary workforce uses.

Mr. Purse stated there are other protections in the ordinance, including the clustered Urban/Residential Core, to condense the non-primary uses into a single area.

Mr. Tim O'Connor asked how the ordinance would avoid a single applicant developing the 15% area first, leaving other applicants unable to include retail or residential uses.

Mr. Purse stated property owners need to work together at the beginning of the process. He stated applicants must be made aware EO is not intended for residential development.

Mr. Poole stated the master plan process should be tightly written to make sure its intentions carry through.

Mr. Fraley stated he would like more substantive viewshed protection ordinance language. He stated language could be added to a master plan by asking applicants to demonstrate the process they considered in order to accommodate perimeter view sheds.

Mr. Murphy stated staff would bring forward that request to decision makers.

Mr. Fraley stated there should be specific language on how the applicant protected viewsheds, including building placement, building mass and height, enhanced buffering, and architectural treatments. He stated the ordinance should include examples and illustrations.

Mr. Fraley stated he was concerned with the lack of open space requirement outside of the Urban/Residential Core.

Mr. Purse stated the County's industrial districts, M-1 and M-2, don't have any open space requirements, since in those districts people typically don't use open space for recreation. He stated the County does not want industrial EO applicants to face greater restrictions than in industrial zoning.

Mr. Fraley stated industrial zones are hodge-podge development, where EO is an interconnected business community.

Mr. Krapf asked if he were a business owner, what would be the incentive to locate his operation in the EO zone.

Mr. Murphy stated flexibility.

Mr. Krapf stated ordinance language could encourage but not mandate open space outside of the core.

Mr. Mike Maddocks stated even if the ordinance does not cover everything, each project will still undergo professional staff review.

Mr. Murphy stated each project will have to adhere to Chesapeake Bay Act open space requirements.

Mr. Fraley stated master plan principles should be clearly stated up front.

Mr. Rich Costello of AES stated densities should be increased since density is calculated based on developable acreage instead of total acreage. He stated language permitting two-family dwellings should be removed from the permitted uses. Activities such as playgrounds should be allowed in the open space areas of the residential core.

Mr. Poole stated he did not want to use other localities with less strict standards for comparison. He stated he wanted to preserve the County's quality of life.

Ms. Rosario stated the ordinance contains the most recent definition of non-developable acreage, based on the Rural Lands Committee's work. She stated that definition is being revised as part of the Residential Cluster Overlay district ordinance update.

Mr. Purse stated non-developable acreage will be defined in the definitions section of the ordinance.

Ms. Susan Gaston asked if there would eventually be an "opt-in" for property owners.

Mr. Fraley stated yes. He stated all property owners have the right to develop their A-1 properties using the current zoning.

Ms. Rosario stated properties designated EO have the opportunity to opt in or out of any master plan process. She stated it is in property owners' interest to participate in the master plan to have a voice at the table when decisions are being made. If property owners do not participate, their property will still be included in the master plan. Property owners would then choose to opt in or opt out of any rezoning effort.

Mr. Wayne Moyer asked to defer EO work until after the November elections to allow citizens to better educate themselves about the ordinance and allow the Board to consider the Transfer of Development Rights program. He asked for 60' and 100' balloon tests at various points of the Hill Pleasant Farm property so adjacent property owners could better understand the impacts. A portion of the EO district should be set aside for agricultural production for local sale. The EO area should be restricted to the Hunt Farm to see if it works before extending it to Croaker Road.

Ms. Rosario stated approval of the district does not rezone any property.

Mr. Fraley stated the Board identified EO has one of four priority zoning ordinance update items and created timelines for its review by staff and the Commission.

Mr. Bob Spencer asked about placement of a new two-lane road to support the EO area.

Ms. Rosario stated the Hampton Roads Planning District Commission will fund a corridor study to assess environmental impacts and a best alignment for a 2-lane, possibly 4-lane road. She stated the road proposed in the Comprehensive Plan is a Mooretown extension to Croaker.

Ms. Gaston stated the Virginia Association of Realtors supports the EO zone. She stated enhanced economic opportunities will slow the trend of graduates leaving the area, increase quality of life, and take pressure off of residential taxes.

Mr. Poole stated he did not want to see additional retail in that area of the county. He stated he wanted to see a good master plan mixed with industrial and corporate development.

Mr. Fraley stated he was pleased with staff work.

B) Commercial Districts

Mr. Chris Johnson stated the Board identified four changes they would like to see before advancing the full draft ordinance for review by the Planning Commission. He stated the Board directions were to remove performance standards in each of the four commercial districts, replacing them with a Board policy document directing performance standards, which includes a table of uses. The table would make by-right and specially permitted uses more understandable and accessible. The Board also wanted to grant approval authority for design standards, master plan consistency, waivers, setbacks, and modifications to the Planning Director where those reviews are now handled by the DRC.

The DRC would still review appeals. This would continue the trend of making the DRC more strategic on the front end of the development review process, and the appellate body on the back end.

Mr. Johnson stated the Board including performance standards into the ordinance could create a greater chance of nonconformities should the ordinance is changed in the future.

Mr. Fraley stated performance standards are written for by-right development. He stated through the use of performance zoning, the County can reduce the number of SUPs. Performance standards for SUPs would be very difficult to develop.

Mr. Johnson stated staff reviewed the four commercial districts two years ago for lower impact SUPs that could be changed to by-right. Staff believes there are few additional special uses that could be made by-right. Using performance standards to make a special use by-right was discussed at the worksession, although developing a commercial property has very different impacts depending on its location in the county. Developing performance standards to make a use by-right proved too subjective and difficult. Staff was not comfortable making a homogeneous list of performance standards considering the uniqueness of various commercial areas and corridors.

Mr. Fraley stated the Committee need to vote on a recommendation for the Board regarding changing commercial SUP triggers in Section 24-11. The Committee will vote on raising the building square footage threshold from 10,000 to 20,000 and raising the building addition threshold from 5,000 to 10,000 square feet and the peak-hour trips threshold from 75 to 100.

Mr. Steven Hicks stated the change reflects additional business friendliness and the desire for predictability. Many businesses range within a 15,000 square foot building size. Certain medium sized businesses, such as pharmacies, will continue to have other trigger points.

Mr. Johnson stated staff analyzed a decade of SUP cases. Over that decade, Section 24-11 triggered 24 SUPs. Staff wanted to raise the SUP bar enough to increase predictability and facilitate economic development, but not far enough to risk losing the ability to protect community character. Building size causes fewer impacts than vehicle trips. If the building threshold was 20,000 ten years ago, 13 of those 24 SUPs would have been by-right. He stated there was no way to quantify the number of applicants who reviewed the County's requirements and decided to locate businesses elsewhere. It doesn't benefit the County to force businesses to reduce their size to meeting an arbitrary number like 10,000 square feet.

Mr. Poole stated he wasn't prepared to support the increases. He stated the commercial growth in the county in the past ten years has been fairly significant and he didn't feel the commercial development process is broken. He hasn't heard from any applicants saying they couldn't get into the County.

Mr. Johnson stated the County wants to remain competitive in the marketplace for smaller businesses that are looking to locate in the area. The County is making a series of changes in total to make itself more competitive at attracting businesses while retaining standards which protect community character.

Mr. Hicks stated he was comfortable with the changes. He stated the changes were a good balance based on Board guidance regarding the triggers.

Mr. Krapf stated that while he values the DRC reviews, the smaller businesses are the ones more impacted by the additional steps and can least afford a protracted process. He stated he was comfortable with staff not letting anything slipping through. He would support the changes.

Mr. Maddocks stated he supported staff's recommendation.

Mr. O'Connor stated 20,000 square feet is a good starting point.

Mr. Woods stated he was comfortable with the changes.

Mr. Fraley stated he was fine with the changes.

In a voice vote, the Committee recommended approval of staff draft language. (5-1: Yes: Fraley, Woods, Maddocks, Krapf, O'Connor; No: Poole).

Mr. Fraley stated the Committee must recommend changes to Section 24-147 changing DRC triggers from 30,000 to 50,000 square feet, changing multifamily developments without a master plan from 50 to 10, and elimination of fast food. He stated most fast food restaurants will still trigger SUP traffic triggers.

Mr. Fraley asked if anyone had a problem with removing the fast food triggers or reducing the multifamily trigger to 10 units.

Mr. Krapf stated he favored the 30,000 square foot trigger. He stated DRC review represents a minimal time delay while the enhancements provided by the DRC have allowed for better projects.

Mr. Johnson stated that at its last meeting, the Commission discussed adding the language contained in Section 24-11 for exceptions for commercial SUPs – warehouse, distribution, office, and manufacturing – into the DRC language while retaining the 30,000 square foot threshold.

Mr. Hicks asked what was being gained from DRC review in addition to professional staff review.

Mr. Krapf stated it provides an extra look at architectural elevations, building placement, relationship to other developments, and topography. He stated he supported staff's suggestion to exempt warehouses and similar uses since they are in an environment where aesthetics are not as important. He would rather review too many site plans rather than raising the threshold to 50,000 square feet.

Mr. Johnson stated staff encourages SUP applicant to come before the DRC for consideration of issues before they become big enough issues to defer cases at the Commission level. He stated the DRC can have input at the beginning of the process rather than coming in after legislative approval. The development community has realized DRC conceptual consideration creates a smoother process.

Mr. Fraley stated he supported the DRC giving input at the front end rather than after legislative review. He stated any adjacent property owners with a problem can appeal to the DRC.

Mr. Poole stated one benefit of back-end review is the availability of construction documents.

He stated the DRC provides the public's representation in the development process. The DRC has been very flexible with applicants.

Mr. Hicks stated applicants would like to move forward after Board approval. He stated for the county to attract businesses, a reputation for predictability and no surprises is important. There is a perception the County gets another 'bite at the apple' through the DRC process, which can send applicants back to the Commission.

Mr. Poole stated he did not want any surprises for citizens.

Mr. Maddocks stated he adds more to the process reviewing conceptual plans at the DRC, discussing general issues, such as appropriateness or aesthetics. He stated he felt he was not in as good a position to review the nuances of technical site plans.

Mr. Murphy stated exempting warehouses, distribution, office, and manufacturing uses has more impact than raising the square footage threshold.

Mr. Poole moved to recommend retaining the 30,000 square foot DRC trigger, with exemptions for warehouse, distribution, office, and manufacturing.

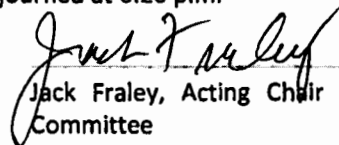
Mr. Woods stated then when his firm sought to locate a new store because of the opportunities in an attractive market, the additional regulatory costs were irrelevant. He stated large commercial enterprises were not concerned with the process. The process has not demonstrated it has been onerous to any business. The DRC adds value to the process, particularly for large projects.

The Committee recommended retaining the 30,000 square foot DRC trigger, with exemptions for warehouse, distribution, office, and manufacturing.

Mr. Fraley asked to move green building to the next DRC meeting.

4) Adjournment

Mr. Woods moved to adjourn. The meeting was adjourned at 6:20 p.m.



Jack Fraley, Acting Chair of the Policy
Committee